

Great Lakes Regional Collaboration Implementation Act

Summary

The Great Lakes are unique and extraordinary resources that provide drinking water, food, recreation and transportation to over 30 million people. In December 2005, the Great Lakes Regional Collaboration produced a strategic action plan for protecting and restoring the Great Lakes. The Regional Collaboration – a partnership of federal, state, and local government officials and program managers, scientists, and interested private stakeholders – focused their attention on addressing the most critical threats to the Lakes. The 1,500 participants developed recommendations for eight key areas: aquatic invasive species, habitat protection, coastal health, Areas of Concern and contaminated sediment, non-point source pollution, toxic pollutants, scientific research and monitoring, and sustainable development.

As its name implies, the Great Lakes Regional Collaboration Implementation Act makes many of the necessary legislative changes to implement many of the policy recommendations made by the Collaboration strategy.

Title I – Aquatic Invasive Species

This section of the bill reauthorizes, strengthens, and expands the National Invasive Species Act of 1996. Many aquatic invaders enter through ballast water of ships, so the legislation establishes a mandatory ballast water management program for all commercial vessels operating in U.S. waters. It also adds a ballast water treatment technology certification program and incentives for ship owners to install experimental treatment technology. To address other pathways, the bill requires screening of planned importations of live aquatic organisms, and it establishes our first national monitoring network for detecting new invasions, a rapid response fund, and state and regional grants for combating invasive species.

Subtitle B authorizes comprehensive research to ensure that our efforts to prevent, control, and eradicate aquatic invasive species are based on the best science and done in the most cost-effective and environmentally sound manner. Specifically, the bill establishes a marine and freshwater research program to assess rates and patterns of nonnative species introductions; a competitive grant program to award research funding; and a research program to help improve the treatment technologies for ballast water.

Finally, Subtitle C codifies an Executive Order creating the National Invasive Species Management Council. It sets forth the clear duties of the Council, including updating the existing National Management Plan to better coordinate and organize all federal programs dealing with invasive species.

Title II – Habitat/Species

This section reauthorizes the Great Lakes Fish and Wildlife Restoration Act, a program designed to provide competitive grants to states and tribes to restore fish and wildlife. The bill increases the existing grants from \$4.5 million to \$12 million. The Fish & Wildlife Service would also be

authorized to conduct regional projects, based on recommendations from the states and tribes, which benefit the region.

Title III – Coastal Health

Sewer system needs are a critical component of keeping the Great Lakes and their tributaries clean. The bill reauthorizes the Clean Water State Revolving Loan Fund and provides \$20 billion over 5 years to assist communities with the critical task of upgrading and improving their wastewater infrastructure through low-interest loans. The bill also provides for technical assistance grants for rural and small communities, and additional loan subsidization for lower-income areas.

Title IV – Areas of Concern

The bill amends the Great Lakes Legacy Act to increase the authorization from \$54 million per year to \$150 million per year. It also provides the EPA with greater flexibility in implementing the program by allowing the EPA to disburse funds to the nonfederal sponsor of a Legacy Act project. The bill increases the authorization for appropriations for EPA's Great Lakes National Program Office from \$25 million to \$50 million so that it can provide additional coordination assistance to states.

Title V – Nonpoint Source

This title reduces polluted run-off entering our streams and rivers by protecting wetlands, which serve as natural filters. The U.S. Supreme Court has limited the authority of federal agencies to extend Clean Water Act protections to non-navigable, intrastate, "isolated" waters based solely on their use by migratory birds. This section of the bill reaffirms that Congress intended to ensure that our nation's waters were restored and maintained. The bill adopts a statutory definition of "waters of the United States" based on long-standing EPA and Army Corps of Engineers regulatory use.

Title VI – Toxic Substances

The bill establishes a new grant program within EPA. The program, the "Great Lakes Mercury Product Stewardship Strategy Grant Program," authorizes \$10 million per year for grants to Great Lakes states and Tribes to implement projects to phase-down mercury in the Great Lakes basin.

Title VII – Indicators and Information

Title VII of the bill authorizes increased resources for the federal agencies already conducting important scientific research and monitoring activities in the Great Lakes – NOAA's Great Lakes Environmental Research Lab and USGS's Great Lakes Science Center. In addition, it also authorizes extramural grants to universities and other private-sector research institutions. The bill also requires the EPA, USGS, and NOAA to submit a coordinated joint research plan every

year to identify those research activities that will assist in the implementation of the Regional Collaboration's recommendations.

This title also directs the President to establish and maintain an integrated system of ocean, coastal, and Great Lakes observations, data communication and management, analysis, modeling, research, education, and outreach. NOAA would be the lead Federal agency for implementation and operation of the system. NOAA would certify one or more regional associations to be responsible for the development and operation of regional observing.

The bill directs the EPA to develop, in coordination with other federal agencies and Canada, indicators of water quality and related environmental factors in the Great Lakes and a network to monitor those indicators regularly throughout the Great Lakes basin. The EPA would collect initial benchmark data within four years and report to Congress on changes in water quality.

Title VIII – Sustainable Development

The bill authorizes the National Oceanic and Atmospheric Administration (NOAA) to restore and remediate waterfront areas. Projects will require a non-federal partner who will provide at least a 35% cost-share. Individual projects may not cost more than \$5 million. The bill authorizes \$50 million per year.

Title IX – Coordination & Oversight

The Great Lakes Interagency Task Force, which currently operates under a 2004 Executive Order, would be authorized. The federal agencies that make up this Task Force would ensure that Great Lakes programs are coordinated, effective, and cost-efficient; develop an annual Great Lakes budget; and report to Congress on the status of restoration efforts being carried out in the Great Lakes.

The bill authorizes the on-going Great Lakes Regional Collaboration process. The Great Lakes Governors, Tribes, Mayors, and the Great Lakes Interagency Task Force would serve on the Executive Committee. Through Regional Collaboration, the Executive Committee would hold annual meetings, establish a process to work with interested parties, and submit a report to Congress on their work.